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Board Meeting Board Office—Conference Room A October 23, 2013

MINUTES

Members Present: James Birchem, LNHA, Chair
Robert Held, LNHA-DHS ex-officio
Jane Pederson, MD
Jennifer Pfeffer, LNHA
Marilyn Reiersen, Public Member

Thomas Pollock, LNHA, Vice-Chair
Chandra Mehrotra, PhD, Public Member
Ann Tagtmeyer, Public Member
Nathan Johnson, LNHA

Members Absent: Darcy Miner-MDH ex-officio

Nancy Tuders, RN Secretary

Staff: Randy Snyder, Executive Director

Jessica Schultz, Office Manager

1. Call to Order –Jim Birchem (Chair)

Birchem called the meeting to order at 10:18AM, acknowledged the absence of Tuders due to work obligations, and thanked Pfeffer for attending the Board meeting on her birthday.

2. Additions to and Approval of Agenda

A. *A motion was made by Pollock to approve the agenda for the October 23, 2013 and was seconded by Reiersen. The question was called and the motion was unanimously approved.*

Approval of July 24, 2013 Meeting Minutes (previously e-mailed)

Being as that Tuders was absent from the meeting, a request to approve the minutes in writing via email was submitted to her prior to the meeting. Approval of the minutes as submitted was confirmed, and a digital signature as authorized by Tuders. ***A motion was made by Pollock to approve the minutes from the April 24, 2013 Board meeting as presented and was seconded by Reiersen. The question was called and the motion was unanimously approved.***

B. Appointment of Committees and Committee Chairs

The private board roster was included in the packet distributed to the Board. Members present noted changes and additions to the information contained in the roster.

3. Licensure/Education Committee – Ann Tagtmeyer, Committee Chair

Articles listed in item A-D, Licensure Report, New Licensees Report, Permits Issued Report, Shared Administrator Report for the period of 07/01/2013-09/30/2013 were reviewed by the

Board members in attendance. There was no report for Waiver of Course Requirements/Courses Denied because there was not content submitted between 07/01/2013 to 09/30/2013.

E. Academic Programs: Consent Approval

Minnesota State University – Moorhead response to their annual NAB scores—Article 3.E.i

Letters from Barbara Matthees and Lonni Schicker of MSU-Moorhead dated September 3 and 4, 2013, in response to communication from the Board office regarding individual school exam scores outlining the success of students from their LTC program was reviewed and discussed. A plan of increasing the practicum for MSU-Moorhead students to 600 hours was outlined in the letter from Schicker, as well as a general outline of program content in theory, regulatory and legal understanding, and additional internship and practical experience.

UM-Crookston: Email--Article 3.E.ii

An email from Paula Viker of the University of Minnesota—Crookston dated September 3, 2013, in response to communication from the Board office regarding individual school exam scores was reviewed and discussed by the members present. Concerns regarding the grades of graduating students from the UM-Crookston program were discussed at length. Through discussion, a determination was made that further action is necessary to define a process for referring applications of students with an overall GPA of 2.5 or lower to the Board's Education Committee. The Board directed staff to calculate the average grade point average of current applicants to access the issue, and to determine if low GPA and related exam scores was currently problematic. It was directed that the item be tabled and discussed further at the January 22, 2013 Education Committee and Board meetings.

Recommendations made by the Education Committee—Articles E.3.iii to 3.E.iv—regarding the denial of a request for course waivers from an applicant, the approval of a request for flexibility with regards to an average number of practicum hours, rather than a rigid 20 hours per week, and a notification to the Board of the 2014 Academic Five-year Reviews for UW-Eau Claire, UM-Crookston, and UM-Twin Cities were reviewed by the Board. Being as that the LTC program at UW-Eau Claire is nationally accredited, the Educational Committee recommended that the Board accept the NAB determination and approval of that program's requirements. Notification of changes to college programs, outlining the up-to-date status of seven programs, and changes or additions to two programs was delivered to the Board. *A motion to approve the recommendations made by the Education Committee was made by Pollock and seconded by Mehrotra. The question was called and the motion passed unanimously.*

State Examination: Third Unsuccessful Exam Attempt by a Current Applicant--Article 3.E.v

The Board members in attendance discussed the recent issue regarding the outcome and action surrounding the question of three unsuccessful attempts at completing the State exam. As precedent setting occurrence, no formal rules were cited as in place to remedy the problem, and recommendation regarding a similar event with the national exam, and the trickledown-down effect of the aforementioned GPA standards (article 3.E.ii in the agenda—an email from UM-Crookston, Paula Viker) was discussed at length. Determination was made that an administrative policy be enacted in lieu of a formal rule regarding the number of attempts an applicant may have to successfully complete the exam, an acceptable period of time required for individuals who do not successfully complete the

second exam to wait for a third try, and a formulation of a plan for success on the part of the applicant to be submitted for review and approval by the Educational Committee prior to sitting for a third test. *A motion was made by Tagtmeyer and seconded by Mehrotra to, upon the second unsuccessful completion of the open-book state exam; require a six month wait for the third exam, and a formal submission of a study/work plan to the Education Committee.* An amendment to the motion was made by Tagtmeyer and seconded by Pollock after discussion, for the motion to read: *Upon the second unsuccessful completion of the open-book state exam; the Board will require a six month wait for the third exam and a formal submission of a study/work plan to the Education Committee for review. Upon an unsuccessful third attempt, a one-year wait for an additional exam and action by the Education Committee and Board will be taken to determine the fitness of the applicant. A vote was called to approve the motion as amended and was passed unanimously.*

Urbaniak, Cindy Second AP Request—Article3.E.vi

A discussion regarding a waiver submitted to the Board to issue a second acting permit to an individual, currently an applicant for licensure who was also issued an acting permit in 2006, and the constraints of the law with respects to the issuance of a second permit took place. Interpretation of the parameters of the state and federal statutes and rules regarding the issuance of acting permits was discussed. Determination was made that a second permit could be legally issued by the Board. *A motion to grant a second acting permit to Cynthia Urbaniak for Kittson Memorial Hospital was made by Pfeffer and seconded by Tagtmeyer. The question was called and the motion passed unanimously.*

4. Standards of Practice – Nancy Tuders, Committee Chair

a. A. July 24, 2013 – Summary

Summary was outlined by Snyder in the absence of Tuders. Per requirement, an appointment of a stand-in for Tuders at the October 23 Standards of Practice Committee meeting was made by Birchem. *A motion to approve the appointment made by Birchem was made by Pfeffer and seconded by Mehrotra. The question was called and the motion was passed unanimously.* Tuders will be present for the meeting via conference call.

5. Action Items

a. Blind review and Discussion/Direction: Alleged Cheating on Exam

Discussion took place regarding the potential options for the Standards of Practice Committee to take into consideration with regards to an alleged breach in the NAB exam. The candidate, who stepped out while taking the national exam to use the restroom, but instead, went to the locker area and accessed a notebook, self-disclosed to Snyder, and the event was confirmed by PES. Recommendations were made by the members in attendance to forfeit the scores of the exam and have that exam count as an unsuccessful attempt, impose a waiting period of six months before sitting for a second exam, and to require participation in a professional ethics course. Members Held and Birchem suggested that the candidate be rejected and licensure not be granted based on the clear lack of ethical integrity, and Reiersen aired the concern that an issue like this may translate into how a candidate as an administrator may run a facility. Recommendations will be forwarded to the Standards of Practice Committee.

b. Attorney General's Report 'Referrals and Payments'

A response to the letter sent in July to *A Place for Mom* was returned to the Board stating that the referral model used by *A Place for Mom* was for private pay residents only, but has

moved from a subscription program to a referral program within the last year. It was determined by AAG Schaefer that any nursing home who made payment to *A Place for Mom* would be in violation of the 6400.6900 Disciplinary Action, Subpart 2, item O, the rule that procurement of patronage either directly or indirectly does not specify that action is limited to private pay, and consequently, the board must take action regarding the issue. To the extent that licensees are making payment to *A Place for Mom*, or any other such service, they would be in violation of the current language. A recommendation by Schaefer was made to notify the professional associations and licensed administrators of the finding. Further discussion suggested that the current Medicare/Medicaid AG assigned to fraud cases review the case and issue his findings to AAG Schaefer prior to proceeding to assure that CMS would view this as a potential violation. *A motion to have the AGO and Snyder draft a press release outlining the details and consequences of paying for referrals to publish on the website, in the newsletter, and to email or mail to licensee and the professional associations was made by Pfeffer and seconded by Pollock. The question was called and the vote passed unanimously.*

c. Annual QI Presentation—tabled to the January 22, 2014 Meeting

d. Media, Public Response to public protection

In a recent edition of the Star Tribune, articles have been published showcasing the disciplinary action, along with alleged and substantiated complaints, from the Board of Nursing and the Board of Chiropractic. Additional articles are to be published regarding HPSP and criminal background checks in the following weeks. A concern was raised as to a collective response that could be given by Board members if contacted by the press regarding disciplinary action and Board comment. A general response will be drafted by Snyder with a general tone to reflect that any requests made should be directed to Snyder. Snyder will be meeting with Senator Sheron regarding State Statute 214 on November 13, and any contact made with the office by media will be relayed to the Board.

e. Professional Practice Analysis: Jennifer Pfeffer/Randy Snyder. Update Verbal Report only

It was reported by Pfeffer that the final meeting will be held in January 2014 with the final analysis to be completed in June 2014.

f. Stakeholders Discussion: Strategic Plan --Tabled to January 22, 2014 Meeting

g. Criminal Background Legislation – Verbal Update—Tabled to January 22, 2014 Meeting

6. Executive Director's Report

Snyder noted that the term of Pfeffer will expire January, 2014, but the term remains until June 2014 or until the new board member is appointed. The Board website continues to progress and content is continually added to keep it current, the office space was moved to Suite 404 on October 17, 2013 along with Podiatric Medicine, Optometry, and Dietetics & Nutrition Practice, and the DrLims web and database system project is progressing as scheduled.

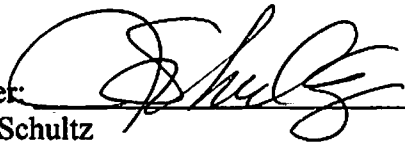
7. Rules Committee –No business

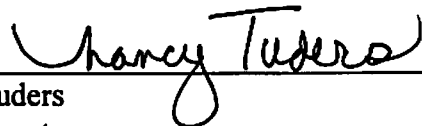
8. Board Member Reports –No business

10. Other Business and Adjournment

A motion to adjourn was made by Mehrotra at 12:19 PM and was seconded by Tagtmeyer. The vote was called and the motion passed unanimously.

The next Board meeting will take place on January 22, 2014.

Recorder: , Date: 1/22/14
Jessica Schultz
Office Manager

Attest: , Date: 1/22/14
Nancy Tuders
Board Secretary